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Re: Comments submitted on FCRPS Biological Opinion on Remand

Dear Ms. Howard

The following comments are submitted on behalf of the Sierra Club's Rivers Committee and the Oregon Chapter of the Sierra Club with interest in preserving the natural environment and having members in the affected region.

We are very disappointed with the FCRPS Biological Opinion on Remand. This plan admits that many salmon runs in the Columbia Basin are not replacing themselves, yet is proposing to weaken requirements on the hydrosystem that is the principle source of human-caused mortality for many of the runs of Columbia Basin salmon. Furthermore, we see no indication that the Federal agencies have any desire to do more than maintain these stocks at Endangered or near-Endangered levels. In the past, the goal for salmon recovery has always been to produce stocks that could be harvested by recreational, commercial, and tribal fisheries. Treaties with Indian Tribes, the Pacific Salmon Treaty, and the Northwest Power Planning Act require a higher recovery standard; however this opinion ignores these requirements.

We also strongly disagree with the fact that this biological opinion eliminates dam breaching as a future option should salmon stocks not recover. Not only is dam breaching removed as an option, but spring and summer flows are further reduced from the environmental baseline. We disagree that because NOAA Fisheries cannot order changes in the dam operations, this option should not be included in the Biological Opinion. First, this was not the opinion of NOAA Fisheries in previous biological opinions that did include dam breaching. And second, this is supposed to be a *biological* opinion, not a political opinion. It is up to the biological agencies to tell the politicians what needs to be done from a biological point of view; rather than to give the politicians what they want to hear to make it easier for politicians to avoid making decisions. Instead, we get a biological opinion from NOAA Fisheries which is inadequate for recovery, let alone recovery to levels required by Tribal Treaties, Pacific Salmon Treaty, and the Northwest Power Planning Act. Should not the Tribal Treaties, Pacific Salmon Treaty, and the Northwest Power Planning Act also be considered part of the environmental baseline? NOAA-Fisheries has as much chance of ordering changes in these documents as it does in ordering changes to the dams. This opinion will only ensure that recovery will continue to be fought over in the courts. The opinion fails to quantify recovery with respect to the best available science and fails to take a precautionary approach toward restoration of the 12 listed ESUs.

Given the size of the Opinion, it was difficult for us to adequately review this document in the time required. However, we have come up with the following specific comments:

- 4.3 The statement "Less certain is how the populations will fare in periods of poor ocean survival when their freshwater, estuary, and nearshore marine habitats are degraded." This sort of comment is repeated several times in the document. This document should assure recovery even during periods of poor ocean survival, however such is not the case in this opinion.
- 4.3.1.1 Another typical statement: "the long term productivity trends remain below replacement for all natural production areas, despite the recent increases." And in some cases, the short term productivity trends are also below replacement (e.g. 4.3.3). Yet this opinion offers nothing that we can see that will increase survival to the necessary levels.
- 4.3.6 The recent 5 year mean abundance of Snake River steelhead is only 28% of the interim recovery target. Again, this opinion offers nothing that we can see that will increase survival sufficient to achieve the interim recovery target, let alone a target allowing meaningful harvest. The case is similar for UCR Steelhead, with recent five year abundances of 14-30% of their interim recovery targets.

- 5.2.1 It is stated that "BPA is obligated to provide some level of power generation, although the precise level is not defined." This is not explored further. If dam breaching is to be taken off the table, a maximum spill option that might greatly reduce BPA power revenues should be explored. This would be the best way to increase downstream survival for juvenile salmon. Instead, this Opinion further decreases spill.
- 5.2.5.2 It is stated that non-native walleye might account for 1/3 of all predation on downstream migrating juvenile salmon. If this is the case, why is no walleye predation control program proposed? Instead, increased northern pikeminnow control is proposed (although this is a native species), and a smallmouth bass control program is proposed (6.3.2.4). Smallmouth bass, though a non-native species, are, according to this document, a much smaller source of predation on juvenile salmon than are walleye.
- 6.2.1 We are disappointed to see that the proposed hydro operations will maintain, or even worsen conditions for salmon. Under the proposed hydro operations, there will be less spill compared to the NOAA Fisheries environmental baseline, less flow, a higher water particle travel time through John Day Reservoir, even less of a Columbia River freshwater plume in the ocean, and higher water temperatures (6.2.2).
- 6.2.2 It is mentioned that the Bureau of Reclamation has augmented summer flows in the Lower Snake River since 2000, however not mentioned is that these flows have often not met the standards in the 2000 BiOp.
- 6.3.2 The Opinion, in compensation for allowing the hydro system to further degrade conditions for migrating salmon proposes to take further actions against Caspian terns that are major predators in the estuary. This problem was caused by the Army Corps of Engineers efforts to dredge the Columbia River for shipping. As such, this should not be a tradeoff for a larger take by the hydrosystem. Rather, controlling Caspian terns should be part of mitigation for the channel. We strongly disagree that tern predation should be mitigation for the hydrosystem.
- 6.3.2.2 We find it difficult to believe that, almost 15 years after stocks were still listed, that there are still unscreened water diversions. This is a problem that NOAA Fisheries should have addressed long ago, rather than including it is a tradeoff for worsening conditions through the hydrosystem.
- 6.5.2.2 We have many concerns the measures proposed to protect, enhance, or restore tributary habitat. (This pertains to all species in all tributaries, not just those in 6.5.2.2). First, we are concerned about whether they will be funded. The Opinion states that these projects are contingent upon continuing Congressional Funding. We are puzzled as to why the Opinion can assume this funding (which is a Congressional action) but then says it cannot consider dam breaching or other major changes to the hydrosystem (which also require Congressional action). What happens if Congress does not fund these projects? Should not the Opinion consider a maximum spill option since that is something that can be done without Congressional action? We are also concerned as to whether the measures proposed in this section are sufficient. Instream flow projects, in particular appear limited. And we would have to have time to look at supporting documents to determine whether other restoration projects are sufficient in providing long term benefits to offset a diminished survival through the hydrosystem, let alone providing survival necessary for long-term recovery.
- 6.1.14 We do not see how Snake River sockeye salmon have a chance of recovering even to levels sufficient to be de-listed under this Opinion. Almost 15 years of recovery efforts thus far have led to very few returning fish and this plan proposes to further degrade survival through the hydrosystem which is this ESU's major problem. Major changes to the hydrosystem are necessary to allow this ESU to continue to persist, let alone recover. This Opinion relegates Snake River sockeye to a future swimming around hatcheries in the Pacific Northwest, with little chance of a recovery in the wild.
- 7.3. The Opinion states that "These economic and population demands will probably affect habitat features such as water quality and quantity, which are important to the survival and recovery of the listed species. The overall effect on the listed species and their habitat will likely be negative, unless there is careful planning, avoidance, or mitigation." This Opinion should further discuss how future economic and population demands will impact salmon and how these impacts can be avoided or mitigated.

Thank you for the opportunity to comment on this Opinion. We believe that extensive changes will be required to create a plan which will allow for the true recovery of Columbia Basin salmon to levels which support Tribal, commercial, and recreational fisheries.

Sincerely

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